



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN - 2 2002

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED
CERTIFIED MAIL # 7000 1670 0006 0858 9951

In Reply Refer to:
EPA OCR File No: 08R-01-R5

Russell J. Harding, Director
Michigan Department of Environmental Quality
P. O. Box 30473
Lansing, MI 27687-7973

Re: ACCEPTANCE OF ADMINISTRATIVE COMPLAINT

Dear Mr. Harding:

The purpose of this letter is to notify the Michigan Department of Environmental Quality (MDEQ) that the Office of Civil Rights (OCR) is accepting for investigation an administrative complaint dated June 25, 2001, that was filed against MDEQ by the Maurice & Jane Sugar Law Center in Detroit, Michigan, on behalf of Flint-Genesee United for Action, Safety and Environmental Justice (FGUA). A copy of the complaint is enclosed.

The complaint alleges that MDEQ violated Title VI of the Civil Rights Act of 1964, as amended, (42 U.S.C. § 2000d *et seq.*) (Title VI) and EPA's Title VI implementing regulations at 40 C.F.R. Part 7 when it issued a permit on December 27, 2000, to the S & S Metal Processing Company for the installation of a scrap metal shredder at its property on Dort Highway in Flint, Michigan. Specifically, the complaint alleges that "the operation at the proposed metal shredder will have a disparate impact on the disproportional African-American community surrounding the shredder," and that MDEQ's failure to allow public review and comment on a Waste Management Compliance Plan designed to limit the amount of mercury in the source material for the shredder "preven[ted] public participation in regulating the most critical terms of [the] permit."

Pursuant to EPA's Title VI regulations, MDEQ may either respond to the complaint in writing within thirty (30) calendar days of receiving this notice, or may wait until OCR notifies MDEQ of any preliminary findings of noncompliance. EPA's Title VI regulations also require OCR to attempt to resolve complaints informally whenever possible. MDEQ has already expressed willingness to engage in a dialogue with EPA and the complainant. The complainant has agreed to provide OCR by the end of December with the requirements that it thinks the Waste Management Compliance Plan should have to meet its concerns. OCR will relay the complainant's suggestions to MDEQ for its consideration as soon as OCR receives them.

If you have any questions, please contact Mr. Mirza P. Baig in OCR by phone at 202-564-7288 or by mail to the U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,


Karen Higginbotham
Acting Director

Encl.

cc: Ms. Alma L. Lowry
Maurice and Jane Sugar Law Center
645 Griswold, Suit 1800
Detroit, MI 48226

Rafael DeLeon, Associate General Counsel
Civil Rights Law Office
(MC 2399A)

Barry E. Hill, Director
Office of Environmental Justice (MC 2201A)

Gail Ginsberg
Title VI Coordinator
EPA Region V